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| VOLPE AND KOENIG, P.C. | | | | |
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| PHILADELPHIA, PA 19103 | | | | |
| EXAMINER | | | | |
| ADDY, ANTHONY S | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,372

Applicant(s)

OZLUTURK ET AL.

Examiner

ANTHONY S. ADDY

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on June 24, 2008.

Claims 5 and 17 have been cancelled. **Claims 1-4, 6-10, 12-16 and 18** are pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-4, 6-10, 12-16 and 18** have been considered but are moot in view of the new ground(s) of rejection. Arguments are directed to newly added limitations and the new ground(s) of rejection based on the newly added limitations follow below.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim **1-4, 6, 8-10, 12-16 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Keskar et al., U.S. Publication Number 2004/0259536 A1 (hereinafter Keskar)** and further in view of **Trewin, U.S. Patent Number 6,948,136 (hereinafter Trewin)**.

Regarding claims 1, 6, 12, 13 and 18, Keskar teaches a method of optimizing user inputs (see Fig. 2) and an electronic user cognitive device (see abstract, p. 1 [0011] and Fig. 1; *shows a mobile device 155*) comprising: a user input device configured to receive input from at least one user (see p. 1 [0012] and p. 2 [0017]); a

user device processing unit configured to perform functions of the electronic device (see p. 3 [0021-0022]); a user interaction pattern monitoring device configured to monitor user interaction patterns of the user, monitoring device parameter settings, and correlating user interaction patterns with device parameter settings (see p. 1 [0012], p. 2 [0018], p. 3 [0021] and Fig. 1; *shows a preprocessing module 150 [i.e., reads on a user interaction pattern monitoring device]*); an associated memory configured to store user interaction patterns, device parameter state, and correlation information (see p. 2 [0014] and p. 3 [0021-0022]); a cognitive logic device configured to analyze the user interaction patterns, parameter state, and correlation information and configured to determine adjustments to the user device processing unit corresponding to particular user input (see p. 2 [0014-0016, 0018 & 0020], p. 3 [0021] and Fig. 1; *shows a context processing module 100 [i.e., reads on a cognitive logic device for analyzing the user interaction patterns]*); calculate the user interaction patterns into either common interaction patterns or style interaction patterns, adjust the electronic device based on the common interaction patterns, adjust the electronic device based on the common interaction patterns, and selectively adjust the electronic device based on the style interaction patterns in response to a current user interaction style (see p. 2 [0014-0020]); and a user device processing unit controller configured to dynamically adjust the user device processing unit in response to receipt of the user input in accordance with the determined adjustments (see p. 2 [0014-0016, 0018 & 0020] and p. 3 [0021-0022]).

Although, Keskar teaches for example that, the Context module 100 may be configured to "learn" from the user's pattern of behavior that each time the PDA is

placed face down, the device should be instructed to turn off all audible alerts or if the user places the PDA in a carrying case, the Context module 100 may therefore configure the mobile device to increase its alert level or its pitch, and this type of "learning" behavior may be used independently and/or in conjunction with explicit preferences that the user may set which broadly reads on correlating user pattern behaviors based on predictability factors (see p. 2 [0015, 0016 & 0018]), Keskar fails to explicitly teach the user pattern monitoring device configured to calculate predictability factors, store the predictability factors, the cognitive logic device configured to determine adjustments, wherein the adjustments are based on the calculated predictability factors for a single user, adjust the electronic device based on the style interaction patterns in response to a current user interaction style when there are multiple users; and the user device processing unit controller configured to dynamically adjust in accordance with the determined adjustments when the predictability factors reach a predetermined level.

In an analogous field of endeavor, Trewin teaches a system and methodology for enabling the automatic configuration of computer control devices such as keyboards, pointing devices, interfaces and like devices, in real time, to match a user's requirements, wherein the system implements a mechanism for identifying when a different user having different configurations needs start to use the device (see col. 3, lines 38-54). According to Trewin, as the user takes actions with the device, the user actions are monitored by an input monitoring mechanism which captures user actions with the device as a stream of control signals (see col. 5, lines 62-65). Trewin further

teaches the input monitoring mechanism copies this stream to an analyzer and a user change recognizer, and the user change recognizer detects whether a new user with different configuration requirements to the previous user has recently started using the device and may generate a probability value ranging between 0.0 and 1.1 to indicate the probability of such a change (see col. 5, line 65 through col. 6, line 5). According to Trewin, a value of 0 indicates that the same user, or a user with similar needs, is using the device, and a value of 1 indicates that a very different user has taken over, and if the probability of a change in user is above a given threshold (e.g., 0.75), then the analyzer produces a set of recommended configuration settings and passes these to the configurer in order to implement the recommended configuration settings (see col. 6, lines 5-25).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Keskar with the teachings of Trewin, in order to rapidly personalize or configure a communication device in environments where multiple individuals may use the same device according to the needs of a specific user as taught by Trewin (see abstract and col. 3, lines 38-54).

Regarding claims 2, 8 and 14, Keskar in view of Trewin teaches all the limitations of claims 1, 6 and 13. Keskar in view of Trewin further teaches a method and an electronic device, wherein the determined adjustments include adjustments to parameters, configurations and states of the user device processing unit (see *Keskar*, p. 2 [0015-0019]).

Regarding claims 3, 9 and 15, Keskar in view of Trewin teaches all the limitations of claims 1, 6 and 13. Keskar in view of Trewin further teaches a method and an electronic device, wherein the cognitive logic device is configured that create dynamic rules based on continuous analysis of user interaction patterns, parameter state, correlation information and predictability factors (see *Keskar*, p. 2 [0015, 0016 & 0018] and *Trewin*, col. 6, lines 1-25).

Regarding claims 4, 10 and 16, Keskar in view of Trewin teaches all the limitations of claims 3, 6 and 15. Keskar in view of Trewin further teaches a method and an electronic device, wherein the user device processing unit controller is configured to selectively turn off rules in response to user interaction through the user input device (see *Keskar*, p. 2 [0017]).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Keskar et al., U.S. Publication Number 2004/0259536 A1 (hereinafter Keskar)** and further in view of **Trewin, U.S. Patent Number 6,948,136 (hereinafter Trewin)** as applied to claim 1 above, and further in view of **Well Known Prior Art – Official Notice**.

Regarding claim 7, Keskar in view of Trewin teaches all the limitations of claims 6. Keskar in view of Trewin fails to explicitly teach the processing unit comprises a digital signal processor (DSP) and a reduced instruction set (RISC) processor.

However, the examiner takes Official Notice that the use of a digital signal processor (DSP) and a reduced instruction set (RISC) processor is very well known in the art and therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to implement a digital signal processor (DSP) and a reduced instruction set (RISC) processor in the device of Keskar and Trewin, in order to provide a sufficient advantage and acceptable response time to the user interface of the mobile device when user pattern recognition functions are applied to complex data sets.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANTHONY S. ADDY** whose telephone number is (571)272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony S Addy/
Examiner, Art Unit 2617

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617